

ORDINANCE NO. 825

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF NEW LICENSES, CERTIFICATES OR PERMITS FOR SHORT TERM VACATION RENTAL USES IN THE CITY

WHEREAS, on June 26, 2019 the City Council, having made numerous recitals and findings regarding the public peace, health, safety and general welfare being affected by the increasing number of short term vacation rentals, adopted Urgency Ordinance No. 824 imposing a moratorium, as an interim measure, on the issuance of new permits for short term vacation rentals subject to certain exceptions; and

WHEREAS, City Staff having made an initial investigation into the issue and determining that given the complexity of the short term vacation rental market, the strong conflicting views expressed by a significant segment of the community regarding short term vacation rentals, and the need for additional time to study the issue in greater detail, recommended to the City Council that the interim moratorium be instead readopted as an Urgency Ordinance pursuant to Government Code Sections 36934 and 36937(b) to take effect immediately and to remain in effect until repealed or otherwise modified by the City Council after due consideration; and

WHEREAS, Government Code Section 36937(b) provides for the adoption of an Urgency Ordinance to take effect immediately for the immediate preservation of the public peace, health, safety and general welfare upon a declaration of the facts constituting the urgency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:

SECTION 1. Declaration of Facts Constituting Urgency

The City of Cathedral City hereby incorporates the recitals and findings made in Urgency Ordinance No. 824 by reference as if such recitals and findings were fully set forth herein and the City Council hereby again makes and affirms those recitals and findings, and based thereon declares that such recitals and findings evidence facts constituting urgency as required under the law for the subject action. A copy of Ordinance 824 is attached to this Ordinance as Exhibit "A" for reference.

SECTION 2. IMPOSITION OF MORATORIUM

- a) For the reasons set forth in the recitals and findings incorporated herein, the City Council of the City of Cathedral City finds and declares that this proposed Urgency Ordinance is necessary for immediate preservation of the public peace, health, safety and general welfare.

- b) In accordance with the authority granted to the City under Government Code Sections 36934 and 36937(b), from and after the date of this Ordinance, no new short term vacation rental licenses, certificates or permits shall be approved or issued until such time as the City Council repeals or otherwise modified this Ordinance.
- c) This moratorium shall not apply to existing short term vacation rental licenses, certificate or permits, renewals of existing short term rental licenses, certificates for permits, or within areas governed by a homeowners association or community association and subject to covenants, conditions, and restrictions (CC&Rs) that expressly permit short term vacation rentals.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. CEQA

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it is merely the formation of an organization. 14 Cal. Code Regs. § 15378(a). The Ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council. It shall be in effect until repealed by the City Council or otherwise modified by the City Council.

SECTION 6. PUBLICATION

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 39633(c).

SECTION 7. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 24th day of July, 2019, by the following vote:

Ayes: Councilmembers Gutierrez, and Gregory; Mayor Pro Tem Aguilar and Mayor Carnevale

Noes: None

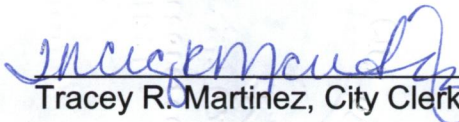
Absents: None

Abstains: None




Mark Carnevale, Mayor

ATTEST:



Tracey R. Martinez, City Clerk

APPROVED AS TO FORM:



Eric S. Vail, City Attorney

RIV #4823-7713-2700 v1

Exhibit A

ORDINANCE NO. 824

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT, PERMITTING AND APPROVAL OF SHORT TERM VACATION RENTAL USES IN THE CITY

WHEREAS, newer online technology allows the marketing of short term vacation rentals to a larger audience than in the past; and

WHEREAS, the increasing number of short term vacation rentals is creating adverse impacts in residential zones; and

WHEREAS, numerous residents have expressed public safety and general health and welfare concerns about adverse effects of short term vacation rentals; and

WHEREAS, the City has received numerous complaints regarding excessive noise, parking, litter, disorderly conduct and concerns regarding security and public safety at short term vacation rentals; and

WHEREAS, the City desires to protect neighborhoods from nuisances and other adverse effects resulting from the operation of short term vacation rentals; and

WHEREAS, based on the above, the potential establishment of additional short term vacation rentals in the City poses a current and immediate threat to the public health, safety and welfare in the City due to negative impacts of such lodgings; and

WHEREAS, the City will be conducting a community dialogue on the issue of short term vacation rentals which may lead to consideration of an amendment to the City's Municipal code to protect the quality of life and the character of the City's residential neighborhoods; and

WHEREAS, additional planning and research is necessary before the City considers any permanent regulation regarding short term vacation rentals; and

WHEREAS, the issuance and approval of further business licenses, use permits, or any other applicable entitlements for short term vacation rentals during the period that permanent regulations are being considered would result in the aforementioned threat to public health, safety or welfare; and

WHEREAS, the California Constitution, Article XI, section 7, provides cities with the authority to enact ordinances to protect the health, safety, welfare and morals of their citizens, and zoning regulations are a permissible exercise of this authority; and

WHEREAS, based on the foregoing it is in the best interest of public health, safety and welfare to allow the staff and the City time to adequately study the land use issues related to short term/vacation rentals; and

WHEREAS, Government Code section 65858 allows the City to immediately protect and preserve the public peace, health, welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or planning department is considering.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS

- a) The City of Cathedral City has established regulations for the use of privately owned residential dwellings as short term vacation rentals to ensure the collection and payment of applicable transient occupancy taxes and minimize the negative secondary effects of such use on surrounding residential neighborhoods.
- b) The proliferation of online vacation rental websites such as Airbnb.com and Homeaway.com is enabling property owners, tenants and occupants in the city to rent their local residential properties on a short term basis to travelers which is increasing the number of short term vacation rentals in the city and facilitating accelerated reservations.
- c) Allowing proliferation of short term vacation rentals to occur during the period where the City is considering the revision the City's Municipal Code to better regulate short term vacation rentals of residential dwelling units in order to protect the quality of life and the character of the City's residential neighborhoods would conflict with public health, safety and welfare needs of the community.
- d) Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to land uses that involve short term vacation rentals of residential dwelling units.
- e) In order to maintain comprehensive and sound land use planning, the City seeks to study possible amendments to the zoning provisions of its municipal codes, use permit requirements and other land use entitlement requirements in order to regulate short term rentals of residential dwelling units.
- f) Allowing short term rentals of residential dwelling units before the City has had an opportunity to update its regulations, could lead to conflicts amongst various land uses and conflicts with the City's long term planning goals.

SECTION 2. IMPOSITION OF MORATORIUM

- a) For the reasons set forth in the above findings, the City Council of the City of Cathedral City finds and declares that this proposed Ordinance is necessary for immediate preservation of the public's health, safety and general welfare.
- b) Government Code Section 65858 authorizes interim ordinances to take immediate effect when they are "...prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time."
- c) In accordance with the authority granted to the City under Government Code Section 65858, from and after the date of this Ordinance, no new short term vacation rental permits shall be approved or issued for a period of forty-five (45) days.
- d) This moratorium shall not apply to pending applications for short term vacation rental permits, existing short term vacation rental permits, renewals of existing short term rental permits, or areas governed by a homeowners association or community association and subject to covenants, conditions, and restrictions (CC&Rs) that expressly allow for short term vacation rentals.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. CEQA

This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it is merely the formation of an organization. 14 Cal. Code Regs. § 15378(a). The ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council. It shall be in effect for forty-five (45) days from and after the date of adoption, unless extended by the City Council as provided for in Government Code Section 65858.

SECTION 6. PUBLICATION

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 39633(c).

SECTION 7. CERTIFICATION

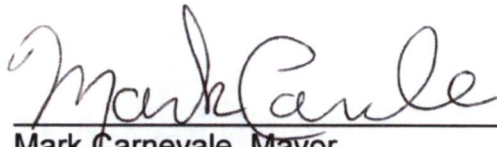
The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 26th day of June, 2019, by the following vote:

Ayes: Councilmembers Gregory and Gutierrez; Mayor Pro Tem Aguilar and Mayor Carnevale

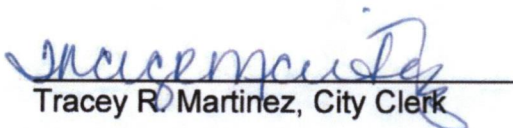
Noes: None

Absents: None

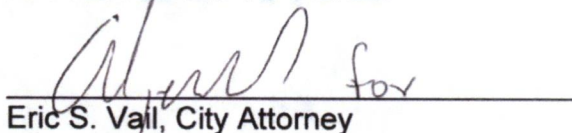
Abstains: None


Mark Carnevale, Mayor

ATTEST:


Tracey R. Martinez, City Clerk

APPROVED AS TO FORM:


Eric S. Vail, City Attorney